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16 Attorneys for Respondent Board of Parole Hearings

17 IN THE UNITED STATES DISTRICT COURT

18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION

20 **Justo Escalante ,**

21 Petitioner,

22 C07-2702 JF

23 **REQUEST FOR AN EXTENSION OF
 TIME TO FILE A RESPONSIVE
 PLEADING**

24 **J. Davis, et al.,**

25 Respondent.

26 Judge: The Honorable Jeremy Fogel

REQUEST FOR EXTENSION OF TIME TO FILE A RESPONSE OF PLEADING

27 Petitioner Justo Escalante is a California state inmate proceeding pro se in this habeas
 28 corpus action. Petitioner, who is currently serving an indeterminate sentence for second degree
 29 murder, alleges that the California Board of Parole Hearings unconstitutionally denied him
 30 parole in a 2005 parole consideration hearing. On August 27, 2007, this Court issued an order to
 31 show cause.
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1 For the reasons set forth in the accompanying declaration of counsel, Respondent respectfully
2 requests a thirty-day extension of time, up to and including November 26, 2007, to file a
3 responsive pleading in this matter.

4 Dated: October 26, 2007

5 Respectfully submitted,

6 EDMUND G. BROWN JR.
Attorney General of the State of California

7 DANE R. GILLETTE
Chief Assistant Attorney General

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Escalante v. Davis**

Case No.: **C07-2702 JF**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 26, 2007, I served the attached

**REQUEST FOR AN EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING;
DECLARATION OF COUNSEL; [PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Justo Escalante
E-91258
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686
in pro per

Justo Escalante
E-91258
Correctional Training Facility Central
F-Wing 302
P.O. Box 689
Soledad, CA 93960-0689
in pro per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 26, 2007, at San Francisco, California.

R. Panganiban
Declarant


Signature